

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/2/14</u>

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JOHN DOE and JANE DOE, Individually and on behalf :

of M.S. an Infant, as Next Friends, :

Plaintiffs, :

-v- :

ANTHONY ANNUCCI, Acting Commissioner of the :

New York State Department of Corrections and :

Community Supervision; TINA STANFORD, :

Chairwoman of the New York State Board of Parole; :

WILLIAM HOGAN, Regional Director of New York :

State Department of Corrections and Community :

Supervision; JOSEPH LIMA, Bureau Chief of the :

Manhattan VI Area Office of the New York State :

Division of Parole; TERRENCE X. TRACY, Counsel for :

the Board of Parole; Parole Officer EMILY SCOTT; :

Parole Officer SIMON VALERIO; Parole Officer :

REBECCA RODRIGUEZ; Parole Officer RENNIE :

RODRIGUEZ; Senior Parole Officer RICHARD :

ROSADO; Parole Officer MILZA MERCEDES, :

Defendants. :

14 Civ. 2953 (PAE)

ORDER

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PAUL A. ENGELMAYER, District Judge:

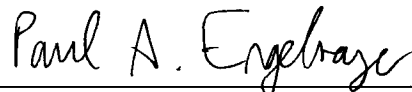
At a conference on May 21, 2014, the Court set a deadline of June 30, 2014 for defendants to move or answer plaintiffs' Complaint. On June 26 and June 27, 2014, the Court extended this deadline for defendants William Hogan, Joseph Lima, Milza Mercedes, Rebecca Rodriguez, Rennie Rodriguez, and Simon Valerio—these six defendants will move or answer by July 30, 2014. *See* Dkt. 67, 70. On June 26, 2014, defendant Richard Rosado filed an answer. Dkt. 68.

On June 30, defendants Anthony Annucci, Tina Stanford, and Terrence X. Tracy filed a motion to dismiss. Dkt. 71. The Court would ordinarily allow plaintiffs twenty-one (21) days to oppose such a motion or to amend their Complaint. Here, however, the Court is mindful that six defendants will not file their answer or move to dismiss until July 30, 2014. In the interest of efficiency, and specifically to permit a single response by plaintiffs to what may be multiple answers and/or motions to dismiss, the Court will permit plaintiffs to delay responding to the pending motion to dismiss until after all defendants have moved or answered.

Accordingly, the deadline for plaintiffs to respond to the motion pending at docket number 71 is stayed until August 21, 2014. If plaintiffs wish to file an amended complaint, they shall do so by that date. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by a motion to dismiss. If plaintiff does amend, by August 21, 2014, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss. If plaintiffs do not wish to file an amended complaint, they shall file and serve their opposition to any motion to dismiss by August 21, 2014. Defendants shall file and serve their reply, if any, by August 28, 2014. At the time any reply is served, defendants shall supply the Court with two courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York.

Separately, the Court notes that Emily Scott is the only named defendant who has failed to either answer, move, or request an extension. She is directed to do so by July 30, 2014.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: July 2, 2014
New York, New York